

DAVIS WRIGHT TREMAINE LLP

DAVIS WRIGHT TREMAINE LLP  
THOMAS R. BURKE (CA State Bar  
No. 141930)  
505 Montgomery Street, Suite 800  
San Francisco, California 94111  
Telephone: (415) 276-6500  
Email: thomasburke@dwt.com

ACLU FOUNDATION OF NEVADA  
AMY ROSE (*Pro Hac Vice*)  
601 S. Rancho Drive, Suite B-11  
Las Vegas, Nevada 89106  
Telephone: (702) 366-1536  
Email: rose@aclunv.org

ACLU FOUNDATION OF SAN  
DIEGO AND IMPERIAL COUNTIES  
MITRA EBADOLAHİ (CA State Bar  
No. 275157)  
P.O. Box 87131  
San Diego, CA 92138-7131  
Telephone: (619) 398-4187  
Email: mebadolahi@aclusandiego.org

Attorneys for Plaintiffs  
AMERICAN CIVIL LIBERTIES UNION OF SOUTHERN CALIFORNIA and  
AMERICAN CIVIL LIBERTIES UNION OF NEVADA

IN THE UNITED STATES DISTRICT COURT  
FOR THE CENTRAL DISTRICT OF CALIFORNIA

AMERICAN CIVIL LIBERTIES UNION)  
OF SOUTHERN CALIFORNIA and  
AMERICAN CIVIL LIBERTIES UNION)  
OF NEVADA,

Plaintiffs,

v.

U.S. DEPARTMENT OF HOMELAND  
SECURITY and U.S. CUSTOMS AND  
BORDER PROTECTION,

Defendants.

DAVIS WRIGHT TREMAINE LLP  
BRENDAN N. CHARNEY (CA State  
Bar No. 293378)  
865 South Figueroa Street, Suite 2400  
Los Angeles, CA 90017-2566  
Telephone: (213) 633-6800  
Email: brendancharney@dwt.com

ACLU FOUNDATION OF  
SOUTHERN CALIFORNIA  
DEVON PORTER (CA State Bar No.  
308365)  
PETER BIBRING (CA State Bar No.  
223981)  
1313 West 8th Street  
Los Angeles, CA 90017  
Telephone: (213) 977-9500  
Email: dporter@aclusocal.org  
Email: pbibring@aclusocal.org

Case No. 2:17-cv-02778

**NOTICE OF FILING PROOFS OF  
SERVICE OF SUMMONS AND  
COMPLAINT ON U.S. ATTORNEY  
FOR CENTRAL DISTRICT OF  
CALIFORNIA**

DAVIS WRIGHT TREMAINE LLP

1 TO THE CLERK OF THE ABOVE-ENTITLED COURT AND TO ALL PARTIES  
2 AND THEIR ATTORNEYS OF RECORD:

3 PLEASE TAKE NOTICE that, as reflected on the Proofs of Service attached  
4 hereto as Exhibit 1, Plaintiff served the U.S. Attorney for the Central District of  
5 California on behalf of the United States with the following documents:

- 6 1. Summons in a Civil Action
- 7 2. Complaint for Declaratory and Injunctive Relief for Violation of the Freedom  
8 of Information Act, 5 U.S.C. § 552 et seq
- 9 3. Civil Case Cover Sheet
- 10 4. Notice of Party with Pecuniary Interest and Corporate Disclosure Statement
- 11 5. Notice of Assignment to United States Judges
- 12 6. Notice to Parties of Court-Directed ADR Program
- 13 7. Standing Order Regarding Newly Assigned Cases
- 14 8. Order for Civil Court Trial.

15  
16 DATED this 25th day of April, 2017.


17 Respectfully submitted,

18 DAVIS WRIGHT TREMAINE LLP  
19 THOMAS R. BURKE  
20 BRENDAN N. CHARNEY

21 By: /s/ Thomas R. Burke  
Thomas R. Burke

22 Attorneys for Plaintiffs  
23 AMERICAN CIVIL LIBERTIES UNION OF  
24 SOUTHERN CALIFORNIA and  
25 AMERICAN CIVIL LIBERTIES UNION OF  
26 NEVADA  
27  
28

Legal Tabs Co. 1-800-322-3022

Recycled  Stock #EX-5-B

**EXHIBIT 1**

BRENDAN CHARNEY, ESQ. SBN: 293378  
 DAVIS WRIGHT TREMAINE LLP  
 865 S. FIGUEROA STREET, SUITE 2400  
 LOS ANGELES, CA 90017  
 (213) 633-6800

**UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA  
 WESTERN DIVISION**

AMERICAN CIVIL LIBERTIES UNION OF  
 SOUTHERN CALIFORNIA, ET AL.

v.

U.S. DEPARTMENT OF HOMELAND SECURITY,  
 ET AL.

CASE NUMBER:  
 2:17-CV-02778-BRO-(ASx)

**PROOF OF SERVICE  
 SUMMONS AND COMPLAINT**  
 (Use separate proof of service for each person/party served)

1. At the time of service I was at least 18 years of age and not a party to this action and I served copies of the (specify documents):
 

<input checked="" type="checkbox"/> summons	<input type="checkbox"/> first amended complaint	<input type="checkbox"/> third party complaint
<input checked="" type="checkbox"/> complaint	<input type="checkbox"/> second amended complaint	<input type="checkbox"/> counter claim
<input type="checkbox"/> alias summons	<input type="checkbox"/> third amended complaint	<input type="checkbox"/> cross claim
<input checked="" type="checkbox"/> other SEE ATTACHED DOCUMENT LIST		
2. Person served:
  - a. ☒ Defendant (name:) U.S. DEPARTMENT OF HOMELAND SECURITY
  - b. ☒ Other (specify name and title or relationship to the party/business named):  
 PAT MYLES - CIVIL PROCESS CLERK, U.S. ATTORNEY'S OFFICE FOR THE CENTRAL DISTRICT OF CALIFORNIA
  - c. ☒ Address where the papers were served: 200 N. LOS ANGELES STREET, RM. 7516  
 LOS ANGELES, CA 90012
3. Manner of Service in compliance with (the appropriate box must be checked):
  - a. ☒ Federal Rules of Civil Procedure
  - b. ☐ California Code of Civil Procedure
4. I served the person named in Item 2:
  - a. ☒ By Personal Service. By personally delivering copies. If the person is a minor, by leaving copies with a parent, guardian, conservator or similar fiduciary and to the minor if at least twelve (12) years of age.
    1. ☒ Papers were served on (date): 04/13/2017 at (time): 04:35 pm
  - b. ☐ By Substituted Service. By leaving copies: PAT MYLES - CIVIL PROCESS CLERK
    1. ☐ (home) at the dwelling house, usual place of abode, or usual place of business of the person served in the presence of a competent member of the household, at least 18 years of age, who was informed of the general nature of the papers.
    2. ☐ (business) or a person apparently in charge of the office, or place of business, at least 18 years of age, who was informed of the general nature of the papers.
    3. ☐ Papers were served on (date): at (time):
    4. ☐ by mailing (by first-class mail, postage prepaid) copies to the person served in Item 2(b) at the place where the copies were left in Item 2(c).
    5. ☐ papers were mailed on
    6. ☐ due diligence. I made at least three (3) attempts to personally serve the defendant.
  - c. ☐ Mail and acknowledgment of service. By mailing (by first-class mail or airmail, postage prepaid) copies to the person served, with two (2) copies of the form of Waiver of Service of Summons and Complaint and a return envelope, postage prepaid addressed to the sender. (Attach completed Waiver of Service of summons and Complaint).



**Nationwide Legal, LLC (12-234648)**  
1609 James M. Wood Blvd., 2nd Fl  
Los Angeles, CA 90015  
Phone: (213) 249-9999 Fax: (213) 249-9990

Continued from Proof of Service

**CASE #:** 2:17-CV-02778-BRO-(ASx)

**DATE:** April 14, 2017

**CASE NAME:** AMERICAN CIVIL LIBERTIES UNION OF SOUTHERN CALIFORNIA, ET AL. VS.  
U.S. DEPARTMENT OF HOMELAND SECURITY, ET AL.

**SERVED:** PAT MYLES - CIVIL PROCESS CLERK

**SUMMONS**

**COMPLAINT**

**CIVIL COVER SHEET**

**NOTICE OF PARTY WITH PECUNIARY INTEREST AND CORPORATE DISCLOSURE STATEMENT**

**NOTICE OF ASSIGNMENT TO UNITED STATES JUDGES**

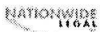
**NOTICE TO PARTIES OF COURT-DIRECTED ADR PROGRAM**

**STANDING ORDER REGARDING NEWLY ASSIGNED CASES**

**ORDER FOR CIVIL COURT TRIAL**

- d. ☐ Service on domestic corporation, unincorporated association (including partnership), or public entity. (F.R.Civ.P. 4(h)) (C.C.P. 416.10) By delivering, during usual business hours, a copy of the summons and complaint to an officer, a managing or general agent, or to any other agent authorized by appointment or by law to receive service of process and, if the agent is one authorized by statute and the statute so requires, by also mailing, by first-class mail, postage prepaid, a copy to the defendant.
- e. ☐ Substituted service on domestic corporation, unincorporated association (including partnership), or public entity. (C.C.P. 415.20 only) By leaving during usual business hours, a copy of the summons and complaint in the office of the person served with the person who apparently was in charge and thereafter by mailing *(by first-class mail, postage prepaid)* copies of the persons at the place where the copies were left in full compliance with C.C.P. 415.20 Substitute service upon the California Secretary of State requires a court order. **(Attach a copy of the order to this Proof of Service.)**
- f. ☐ Service on a foreign corporation. In any manner prescribed for individuals by FRCP 4(f)
- g. ☐ Certified or registered mail service. By mailing to an address outside California *(by first-class mail, postage prepaid, requiring a return receipt)* copies to the person served. **(Attach signed return receipt or other evidence of actual receipt by the person served).**
- h. ☐ Other (specify code section and type of service):
5. Service upon the United States, and Its Agencies, Corporations or Officers.
- a. ☒ by delivering a copy of the summons and complaint to the clerical employee designated by the U.S. Attorney authorized to accept service, pursuant to the procedures for the Office of the U.S. Attorney for acceptance of service, or by sending a copy of the summons and complaint by registered or certified mail addressed to the civil process clerk at the U.S. Attorneys Office.
- Name of person served: PAT MYLES
- Title of person served: CIVIL PROCESS CLERK
- Date and time of service: *(date):* April 13, 2017 *at (time):* 04:35 pm
- b. ☐ By sending a copy of the summons and complaint by registered or certified mail to the Attorney General of the United States at Washington, D.C. **(Attach signed return receipt or other evidence of actual receipt by the person served).**
- c. ☐ By sending a copy of the summons and complaint by registered or certified mail to the officer, agency or corporation **(Attach signed return receipt or other evidence of actual receipt by the person served).**
6. At the time of service I was at least 18 years of age and not a party to this action.

7. Person serving *(name, address and telephone number):*

 JEFFREY ALAN LOPEZ  
 Nationwide Legal, LLC (12-234648)  
 1609 James M. Wood Blvd., 2nd Fl  
 Los Angeles, CA 90015  
 (213) 249-9999

a. Fee for service: \$ .00

b. ☐ Not a registered California process server

c. ☐ Exempt from registration under B&P 22350(b)


d. ☒ Registered California process server  
 Registration # :2014-037194  
 County: LOS ANGELES

8. ☐ I am a California sheriff, marshal, or constable and I certify that the foregoing is true and correct.

I declare under penalty of perjury that the foregoing is true and correct.

Date: April 14, 2017

JEFFREY ALAN LOPEZ  
 Type or Print Server's Name

  
 (Signature)

PROOF OF SERVICE - SUMMONS AND COMPLAINT

BRENDAN CHARNEY, ESQ. SBN: 293378  
 DAVIS WRIGHT TREMAINE LLP  
 865 S. FIGUEROA STREET, SUITE 2400  
 LOS ANGELES, CA 90017  
 (213) 633-6800

**UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA  
 WESTERN DIVISION**

AMERICAN CIVIL LIBERTIES UNION OF  
 SOUTHERN CALIFORNIA, ET AL.

v.

U.S. DEPARTMENT OF HOMELAND SECURITY,  
 ET AL.

CASE NUMBER:  
 2:17-CV-02778 BRO (ASx)

**PROOF OF SERVICE  
 SUMMONS AND COMPLAINT**  
 (Use separate proof of service for each person/party served)

1. At the time of service I was at least 18 years of age and not a party to this action and I served copies of the (specify documents):
 

<input checked="" type="checkbox"/> summons	<input type="checkbox"/> first amended complaint	<input type="checkbox"/> third party complaint
<input checked="" type="checkbox"/> complaint	<input type="checkbox"/> second amended complaint	<input type="checkbox"/> counter claim
<input type="checkbox"/> alias summons	<input type="checkbox"/> third amended complaint	<input type="checkbox"/> cross claim
<input checked="" type="checkbox"/> other <b>SEE ATTACHED DOCUMENT LIST</b>		
2. Person served:
  - a. ☒ Defendant (name:) **U.S CUSTOMS AND BORDER PROTECTION**
  - b. ☒ Other (specify name and title or relationship to the party/business named):  
**PAT MYLES - CIVIL PROCESS CLERK, U.S. ATTORNEY'S OFFICE FOR THE CENTRAL DISTRICT OF CALIFORNIA**
  - c. ☒ Address where the papers were served: **200 N. LOS ANGELES STREET, RM. 7516  
 LOS ANGELES, CA 90012**
3. Manner of Service in compliance with (the appropriate box must be checked):
  - a. ☒ Federal Rules of Civil Procedure
  - b. ☐ California Code of Civil Procedure
4. I served the person named in Item 2:
  - a. ☒ By Personal Service. By personally delivering copies. If the person is a minor, by leaving copies with a parent, guardian, conservator or similar fiduciary and to the minor if at least twelve (12) years of age.
    1. ☒ Papers were served on (date): **04/13/2017** at (time): **04:35 pm**
  - b. ☐ By Substituted Service. By leaving copies: **PAT MYLES - CIVIL PROCESS CLERK**
    1. ☐ (home) at the dwelling house, usual place of abode, or usual place of business of the person served in the presence of a competent member of the household, at least 18 years of age, who was informed of the general nature of the papers.
    2. ☐ (business) or a person apparently in charge of the office, or place of business, at least 18 years of age, who was informed of the general nature of the papers.
    3. ☐ Papers were served on (date): at (time):
    4. ☐ by mailing (by first-class mail, postage prepaid) copies to the person served in Item 2(b) at the place where the copies were left in Item 2(c).
    5. ☐ papers were mailed on
    6. ☐ due diligence. I made at least three (3) attempts to personally serve the defendant.
  - c. ☐ Mail and acknowledgment of service. By mailing (by first-class mail or airmail, postage prepaid) copies to the person served, with two (2) copies of the form of Waiver of Service of Summons and Complaint and a return envelope, postage prepaid addressed to the sender. (Attach completed Waiver of Service of summons and Complaint).

**Nationwide Legal, LLC (12-234648)**  
1609 James M. Wood Blvd., 2nd Fl  
Los Angeles, CA 90015  
Phone: (213) 249-9999 Fax: (213) 249-9990

Continued from Proof of Service

**CASE #:** 2:17-CV-02778 BRO (ASx)

**DATE:** April 14, 2017

**CASE NAME:** AMERICAN CIVIL LIBERTIES UNION OF SOUTHERN CALIFORNIA, ET AL. VS.  
U.S. DEPARTMENT OF HOMELAND SECURITY, ET AL.

**SERVED:** PAT MYLES - CIVIL PROCESS CLERK

**SUMMONS**

**COMPLAINT**

**CIVIL COVER SHEET**

**NOTICE OF PARTY WITH PECUNIARY INTEREST AND CORPORATE DISCLOSURE STATEMENT**


**NOTICE OF ASSIGNMENT TO UNITED STATES JUDGES**

**NOTICE TO PARTIES OF COURT-DIRECTED ADR PROGRAM**

**STANDING ORDER REGARDING NEWLY ASSIGNED CASES**

**ORDER FOR CIVIL COURT TRIAL**



- d. ☐ Service on domestic corporation, unincorporated association (including partnership), or public entity. (F.R.Civ.P. 4(h)) (C.C.P. 416.10) By delivering, during usual business hours, a copy of the summons and complaint to an officer, a managing or general agent, or to any other agent authorized by appointment or by law to receive service of process and, if the agent is one authorized by statute and the statute so requires, by also mailing, by first-class mail, postage prepaid, a copy to the defendant.
- e. ☐ Substituted service on domestic corporation, unincorporated association (including partnership), or public entity. (C.C.P. 415.20 only) By leaving during usual business hours, a copy of the summons and complaint in the office of the person served with the person who apparently was in charge and thereafter by mailing (by first-class mail, postage prepaid) copies of the persons at the place where the copies were left in full compliance with C.C.P. 415.20 Substitute service upon the California Secretary of State requires a court order. (Attach a copy of the order to this Proof of Service.)
- f. ☐ Service on a foreign corporation. In any manner prescribed for individuals by FRCP 4(f)
- g. ☐ Certified or registered mail service. By mailing to an address outside California (by first-class mail, postage prepaid, requiring a return receipt) copies to the person served. (Attach signed return receipt or other evidence of actual receipt by the person served).
- h. ☐ Other (specify code section and type of service):
5. Service upon the United States, and Its Agencies, Corporations or Officers.
- a. ☒ by delivering a copy of the summons and complaint to the clerical employee designated by the U.S. Attorney authorized to accept service, pursuant to the procedures for the Office of the U.S. Attorney for acceptance of service, or by sending a copy of the summons and complaint by registered or certified mail addressed to the civil process clerk at the U.S. Attorneys Office.
- Name of person served: PAT MYLES
- Title of person served: CIVIL PROCESS CLERK
- Date and time of service: (date): April 13, 2017 at (time): 04:35 pm
- b. ☐ By sending a copy of the summons and complaint by registered or certified mail to the Attorney General of the United States at Washington, D.C. (Attach signed return receipt or other evidence of actual receipt by the person served).
- c. ☐ By sending a copy of the summons and complaint by registered or certified mail to the officer, agency or corporation (Attach signed return receipt or other evidence of actual receipt by the person served).
6. At the time of service I was at least 18 years of age and not a party to this action.
7. Person serving (name, address and telephone number):
-  JEFFREY ALAN LOPEZ  
Nationwide Legal, LLC (12-234648)  
1609 James M. Wood Blvd., 2nd Fl  
Los Angeles, CA 90015  
(213) 249-9999
- a. Fee for service: \$.00
- b. ☐ Not a registered California process server
- c. ☐ Exempt from registration under B&P 22350(b)
- d. ☒ Registered California process server  
Registration # :2014-037194  
County: LOS ANGELES
8. ☐ I am a California sheriff, marshal, or constable and I certify that the foregoing is true and correct.

I declare under penalty of perjury that the foregoing is true and correct.

Date: April 14, 2017

JEFFREY ALAN LOPEZ  
Type or Print Server's Name

(Signature)

PROOF OF SERVICE - SUMMONS AND COMPLAINT

## PROOF OF SERVICE

STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

I am employed in the County of Los Angeles, State of California. I am over the age of 18 and not a party to the within action; my business address is 865 S. Figueroa Street, Suite 2400, Los Angeles, CA 90017.

On April 25, 2017, I served the document described as **NOTICE OF FILING PROOFS OF SERVICE OF SUMMONS AND COMPLAINT ON U.S. ATTORNEY FOR CENTRAL DISTRICT OF CALIFORNIA** upon the interested parties in this action in a sealed envelope addressed as follows:

PLEASE SEE ATTACHED PROOF OF SERVICE

X (By Mail) I am "readily familiar" with the firm's practice of collection and processing correspondence for mailing. Under that practice, it would be deposited with U.S. postal service on that same day with postage thereon fully prepaid at Los Angeles, California in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after day of deposit for mailing contained in affidavit.

— (By Overnight Delivery) I deposited this document in the box or other facility located at 865 S. Figueroa Street, Suite 2400, Los Angeles, CA 90017 regularly maintained by Federal Express, in an envelope designated by Federal Express with delivery fees paid or provided for, addressed to the persons on whom it is to be served, for guaranteed next day delivery.

— (By Personal Service) I caused the delivery of such envelope by hand to the offices of the addressee.

— (By E-Mail – PDF Format) I caused the foregoing document to be served by e-mail transmission, in PDF Format, to each of the interested parties at the e-mail address shown above.

Executed on April 25, 2017, Los Angeles, California.

☒ Federal I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct and that I am employed in the office of a member of the bar of this Court at whose direction the service was made.

/s/ Lina Pearmain  
Lina Pearmain

**ATTACHED PROOF OF SERVICE**

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

U. S. Attorney's Office for the  
Central District of California  
312 N. Spring Street, Suite 1200  
Los Angeles, CA 90012

Office of the General Counsel  
U.S. Department of Homeland Security  
245 Murray Lane, SW  
Mail Stop 0485  
Washington, DC 20528-0485

Office of the Chief Counsel  
U.S. Customs and Border Protection  
1300 Pennsylvania Avenue, N.W.  
Washington, DC 20229

Attorney General of the United States  
U.S. Department of Justice  
Service of Process  
950 Pennsylvania Avenue, NW  
Washington, DC 20530-0001

Civil Process Clerk  
United States Attorney's Office  
Central District of California  
300 North Los Angeles Street  
Suite 7516  
Los Angeles, California 90012

DAVIS WRIGHT TREMAINE LLP